

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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VERMONT HARD CIDER COMPANY, LLC,

Plaintiff,

v.

WOODCHUCK COFFEE ROASTERS, LLC,

Defendant.

STIPULATED INJUNCTION

Case No. 5:13-cv-78

The parties having stipulated to the entry of this injunction as part of a written settlement agreement, and in accordance with Rule 65 (d) of the Federal Rules of Civil Procedure, the Court hereby Orders as follows:

1. Woodchuck Coffee Roasters and its officers, owners, family members of the owners and all those acting in concert with them, having notice of this Order by personal service, electronic mail, or otherwise, and each of them, shall be immediately and permanently enjoined and restrained from using or attempting to register the trademarks WOODCHUCK and the WOODCHUCK Logo as embodied in United States Trademark Registration No. 3,996,990 or any similar trademarks or logos, on or in connection with the packing, sale, offering for sale, distribution, marketing, advertising, promotion or labeling of any coffee, food product, beverage or alcohol beverage, or other goods or services, or otherwise engaging in any other acts or

conduct which would cause consumers to erroneously believe that its coffee is sponsored by, authorized by, licensed by, or in any other way associated with Vermont Hard Cider Company.

2. Woodchuck Coffee Roasters is permanently enjoined from using the business name "Woodchuck Coffee Roasters."

3. Woodchuck Coffee Roasters shall assign to Vermont Hard Cider Company its WOODCHUCK word mark for coffee and its exclusive license to use the woodchuck logo contained on its label.

4. Woodchuck Coffee Roasters and its officers, owners, family members of the owners and all those acting in concert with them, having notice of this Order by personal service, electronic mail, or otherwise, are permanently enjoined from taking any steps to interfere with, contest, or challenge the right of Vermont Hard Cider Company, its parents, subsidiaries, affiliated companies and licensees to full use, enjoyment, and registration of the trademark WOODCHUCK and the WOODCHUCK Logo as embodied in United States Trademark Registration No. 3,996,990 or any similar trademarks or logos.

5. Woodchuck Coffee Roasters shall not oppose Vermont Hard Cider Company's application to register its mark for coffee or any other goods or services.

6. It shall not be a violation of this injunction for Woodchuck Coffee Roasters to use the same shape and format of its current label for its coffee provided that the woodchuck on the current label is replaced by a coffee cup and saucer and provided that the word WOODCHUCK is replaced with another term not similar to it as required in the first paragraph of this injunction.

7. Each party shall bear its own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: March 3, 2014

Hon. Christina^{CR}Reiss

United States District Judge


